

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT**

**IN RE:**

John D Quinlan,

DEBTOR.

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CHAPTER 13  
CASE NO. 20-46145-MLO  
JUDGE MARIA L. OXHOLM

**TRUSTEE'S OBJECTION TO CONFIRMATION OF  
FIRST MODIFIED, PRE-CONFIRMATION CHAPTER 13 PLAN**

**NOW COMES** the Chapter 13 Standing Trustee in this matter, David Wm. Ruskin, and objects to confirmation of the First Modified, Pre-Confirmation Chapter 13 Plan, and in support thereof states as follows:

1. The amount of the proposed funding in the Plan is not sufficient to pay all claims as proposed in the Plan (the Plan is underfunded). Therefore, the Plan does not provide for the submission of sufficient future earnings or future income for the execution of the Plan as required by 11 USC 1322(a)(1).

2. The Plan seeks to excuse Plan payments aggregating \$11,900.00 based on pre-Petition levies by the Internal Revenue Service on Debtor's business. Trustee has not received any documentation to establish the existence or amount of any such levies. Accordingly, the Plan does not comply with 11 USC Section 1325.

3. Class 3.1 of the Plan indicates that the lien held by the Michigan Department of Treasury is to be stripped and treated as an unsecured claim. Section I.B of the Plan indicates that the Plan does not propose to limit the amount of a secured claim based on an evaluation of the collateral for the claim. In light of this conflict, the Plan does not comply with 11 USC Section 1325 or Federal Rule of Bankruptcy Procedure 3015.1.

4. Class 5.1 of the Plan indicates that the secured claim of the Internal Revenue Service is "not altered" but then proposes to fix the interest rate on that claim at 3% while the proof of claim filed by the Internal Revenue Service asserts an interest rate of 5%. In light of this conflict, the Plan does not comply with 11 USC Section 1325 or Federal Rule of Bankruptcy Procedure 3015.1.

5. Class 5.1 of the Plan proposes to pay the secured claim of the Internal Revenue Service in equal monthly installments of \$871.48. Based on the proof of claim filed by the Internal Revenue Service, the proposed payment is not sufficient to fully amortize this claim over the 60 month term of the Chapter 13 Plan. Accordingly, the Plan does not comply with 11 USC Section 1322(c) or 11 USC Section 1325.

6. The Amended Schedule I filed on March 18, 2021 increases Debtor's monthly income from Q Engineering Inc. from \$3,000.00 per month to \$4,100.00 per month; and increases Debtor's net income from operation of business from \$2,100.00 per month to \$2,700.00 per month. Debtor has not provided paystubs or other documentation to substantiate Debtor's increased income from Q Engineering. Without additional documentation to substantiate Debtor's income, the Plan does not comply with 11 USC Section 1325.

**WHEREFORE**, the Chapter 13 Standing Trustee requests this Honorable Court deny confirmation of the Plan unless modified to meet these objections or, in the Court's discretion, dismiss the Chapter 13 Case pursuant to 11 USC Section 1307(c).

OFFICE OF DAVID WM. RUSKIN,  
STANDING CHAPTER 13 TRUSTEE

Dated: April 6, 2021

By: /s/ Thomas D. DeCarlo  
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**CERTIFICATE OF SERVICE OF TRUSTEE'S OBJECTION TO  
CONFIRMATION OF THE DEBTOR'S FIRST MODIFIED,  
PRE-CONFIRMATION CHAPTER 13 PLAN**

I hereby certify that on April 6, 2021, I electronically filed the Trustee's Objection to Confirmation of the Debtor's First Modified, Pre-Confirmation Chapter 13 Plan with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

The following parties were served electronically:

KALLABAT & ASSOCIATES PC  
31000 NORTHWESTERN HIGHWAY  
SUITE 201  
FARMINGTON HILLS, MI 48334-0000

The following parties were served via First Class Mail at the addresses below by depositing same in a United States Postal Box with the lawful amount of postage affixed thereto:

John D Quinlan  
3770 Reese Rd  
Ortonville, MI 48462-0000

/s/ Vanessa Wild  
Vanessa Wild  
For the Office of David Wm. Ruskin  
Chapter 13 Standing Trustee-Detroit  
1100 Travelers Tower  
26555 Evergreen Road  
Southfield, MI 48076-4251  
(248) 352-7755